



August 16, 1999

Mr. David J. LaBrec  
Strasburger & Price, L.L.P.  
901 Main Street, Suite 4300  
Dallas, Texas 75202-3794

OR99-2315

Dear Mr. LaBrec:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126545.

The Cedar Hill Independent School District (the "school district"), which you represent, received a request for the following information:

a [sic] updated Board of Trustee Roster. Reflecting current Board configuration; And encompassing Official Board capacities, Legal Service Address, Elected Public Officials Contact Address, Public Access Phone Number, Days of the week and hours of those Days Accessible to Public by phone. As well as any individual applicable E-Mail or Voice Mail Locations.

You interpret this request to encompass the personal e-mail addresses of board members. You contend that personal e-mail addresses are excepted from disclosure under section 552.117 of the Government Code. Some of these personal e-mail addresses are home e-mail addresses; others are business e-mail addresses.<sup>1</sup>

Section 552.117 provides in part:

Information is excepted from [required public disclosure] if it is information that relates to the home address, home telephone number, or social security number, or that reveals whether the following person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024.

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<sup>1</sup>We assume that you have already disclosed the other requested information.

Section 552.117(1), together with section 552.024, permits a current or former government official or employee to choose whether to allow public access to information covered by section 552.117. We believe that section 552.117 is broad enough to cover home e-mail addresses. The legislative history of section 552.117 makes clear that its purpose is to protect public employees from being harassed at home. *See* House Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985); Senate Committee on State Affairs, Bill Analysis, H.B. 1976, 69th Leg. (1985). With this purpose in mind, we conclude that a home e-mail address is "information that relates to" a person's home address or home telephone number, and is, therefore, within the scope of section 552.117. *Cf.* Open Records Decision No. 622 (1994) (in enacting section 552.117, the legislature intended to include former home addresses and telephone numbers in the phrase "information relating to the home address or home telephone number" of a public employee). This reasoning cannot be applied to business e-mail addresses. We conclude, therefore, that business e-mail addresses are not within the scope of section 552.117.

Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Only those board members who requested confidentiality for their home addresses or home telephone numbers under section 552.024 before the school district received the request for information are entitled to protection under section 552.117. Thus, the school district must withhold from disclosure the home e-mail address of each board member who timely elected to keep his home address or home telephone number confidential. The school district must disclose the home e-mail addresses of those board members who did not make a timely election under section 552.117. The school district must also disclose the business e-mail addresses of board members.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Hattaway".

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 126545

cc: Mr. Edgar Linzy  
Ms. Gayle Linzy  
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Cedar Hill, Texas 75104-5025